

INTER-OFFICE COMMUNICATIONS

Palm Beach County, Florida

TO: John Sansbury, County Administrator  
Lisa Heasley, County Attorney's Office  
Herb Kahlert, County Engineer  
David Bludworth, State Attorney  
Joy Shearer, Asst. Attorney General  
Captain Cook, Sheriff's Dept. -Civil  
Frank Schulz, Sheriff's Office  
Bob Basehart, Planning, Zoning & Bldg.  
Bob Palchanis, Building Division, Director  
Gordon Selfridge, Assistant County Attorney  
Patty Young -4th District Court of Appeals  
**Law Library**  
(2) County Library  
Kerry Wertz, P.B.I.A.  
Brude Pelly, P.B.I.A.  
Kathleen Ruane, P.B.I.A.  
FROM: John W. Dame, **Chief** Deputy Clerk

DATE: October 22, 1985

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 85-34

TITLE REFERENCE:

AN ORDINANCE AMENDING ORDINANCE 70-1, AS AMENDED, BY ADDING A NEW RULE ESTABLISHING A SCHEDULE OF AIRCRAFT ENVIRONMENTAL OPERATING FEES TO APPLY AT PALM BEACH INTERNATIONAL AIRPORT, BASED UPON THE NOISE CHARACTERISTICS OF VARIOUS CERTAIN AIRCRAFT AND THE TIME OF DAY AN OPERATION OCCURS; PROVIDING THAT SUCH FEES SHALL BE APPLIED TO OPERATIONS OF CERTAIN AIRCRAFT INTO AND OUT OF PALM BEACH INTERNATIONAL AIRPORT; EARMARKING ALL FUNDS PRODUCED BY THE USE OF SUCH OPERATING FEES FOR NOISE ABATEMENT AND MITIGATION PURPOSES; PROVIDING FOR PERIODIC REVIEW OF THE SCHEDULE OF OPERATING FEES; AND PROVIDING AN EFFECTIVE DATE.

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is June 1, 1986

Signed

Phyllis A. House  
Deputy Clerk

JWD:

Attachment

\* cc: Commissioners, BCC  
Clerk  
Minutes

\*If a complete copy of ordinance is needed, please advise this office and we will be happy to provide a copy.

ORDINANCE NO. 85-34

AN ORDINANCE AMENDING ORDINANCE 70-1, AS AMENDED, BY ADDING A NEW RULE ESTABLISHING A SCHEDULE OF AIRCRAFT ENVIRONMENTAL OPERATING FEES TO APPLY AT PALM BEACH INTERNATIONAL AIRPORT, BASED UPON THE NOISE CHARACTERISTICS OF VARIOUS CERTAIN AIRCRAFT AND THE TIME OF DAY AN OPERATION OCCURS; PROVIDING THAT SUCH FEES SHALL BE APPLIED TO OPERATIONS OF CERTAIN AIRCRAFT INTO AND OUT OF PALM BEACH INTERNATIONAL AIRPORT; EARMARKING ALL FUNDS PRODUCED BY THE USE OF SUCH OPERATING FEES FOR NOISE ABATEMENT AND MITIGATION PURPOSES; PROVIDING FOR PERIODIC REVIEW OF THE SCHEDULE OF OPERATING FEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Palm Beach County is the proprietor of Palm Beach International Airport ("PBIA"), and

WHEREAS, complaints and litigation by residents of the communities around PBIA, concerning noise impacts of aircraft operating at PBIA, are a concern to the County, and

WHEREAS, the County's noise consultants and airport staff have conducted a thorough Noise Abatement and Mitigation Study, with extensive participation by citizens of the noise-affected communities and by representatives of the aviation industry, which study has recommended certain operational controls, additional County programs, and capital expenditures to lessen the impact of aircraft noise in the communities around PBIA, and

WHEREAS, the County's consultants, airport staff, and the Board of County Commissioners deem the fee schedule imposed by this ordinance to be a useful and effective means of encouraging the use of new-generation, quieter aircraft at PBIA, and

WHEREAS, the County's consultants, airport staff, and the Board of County Commissioners deem the fee schedule imposed by this ordinance to be necessary to achieve the noise abatement goal established by the Development Order for PBIA, as established by Palm Beach County

Resolution No. R-82-199, and, together with the other measures recommended by the Noise Abatement and Mitigation Study, to be the most efficient means of achieving that goal with the least incidental impact on commerce, and

WHEREAS, the earmarking of funds as provided by this ordinance will provide a source of funding for the additional County programs and capital expenditures necessary to carry out the County's noise abatement and mitigation program, and

WHEREAS, public comments received from citizens during the public input phases of the Noise Abatement and Mitigation Study have confirmed that residents of the communities around PBIA are most sensitive to night operations of certain aircraft, and

WHEREAS, the Board of County Commissioners finds this ordinance to be in the best interests of the citizens of Palm Beach County,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:

Section 1. Section VII(L) of the Rules and Regulations governing PBIA, as previously enacted by Ordinance 70-1, as amended, is hereby further amended by adding thereto the following new rule subsection, to be numbered 10:

"10. ENVIRONMENTAL OPERATING FEES.

"(a) The operators of all fixed-wing airplanes landing or taking-off at PBIA, except those exempted by sub-paragraph (d) of this rule, shall pay an environmental operating fee, in addition to all other rates, fees and charges payable by such operators. The amount of such fee shall be the product of ten dollars (\$10.00) and the applicable operating fee multiplier as provided in sub-paragraph (b) of this rule. A fee in such amount shall be payable for each landing and for each takeoff conducted at PBIA.

"(b) The following schedule of environmental operating fee multipliers is hereby established. For purposes of this Rule, the terms 'Stage 1 airplane,' 'Stage 2 airplane,' and 'Stage 3 airplane' shall be defined as set out in section 36.1(f), Title 14, Code of Federal Regulations, as that section exists on the effective date of this rule.

#### AIRCRAFT OPERATING FEE MULTIPLIER SCHEDULE

AIRCRAFT CATEGORY	TIME OF DAY	OPERATING FEE MULTIPLIER
Stage 1 airplane	Night	16.0 times base fee
Stage 1 airplane	Day	1.6 times base fee
Stage 2 airplane	Night	13.0 times base fee
Stage 2 airplane	Day	1.3 times base fee
Stage 3 airplane	Night	1.0 times base fee
Stage 3 airplane	Day	fee calculated as set out in subparagraph (c).

"For purposes of this schedule, a 'night' operation shall be one actually conducted between the hours of 10:00 o'clock P.M. and 7:00 o'clock A.M., and a 'day' operation shall be one conducted any other time of day.

"(c) For day landings and take-offs of Stage 3 airplanes, not exempt under the terms of subparagraph (d) of this Rule, the environmental operating fees shall be as follows: (a) for general aviation, non-exempt, Stage 3 airplanes, there shall be no operating fee; (b) for air carrier, non-exempt, Stage 3 airplanes, a credit shall be allowed, as against the air carrier's environmental operating fees for the next fiscal year, for day landings and take-offs of Stage 3 airplanes. The amount of such credit to be allowed all air carriers operating at PBIA during a given year shall be ten percent of the total environmental operating fees collected from all air carriers during such year. The share of this total credit to be allocated to a particular air carrier shall be computed by multiplying the total credit payable to all carriers by a fraction consisting of the particular carrier's total number of day operations

of non-exempt Stage 3 airplanes during such year, divided by the total number of day operations of non-exempt Stage 3 airplanes conducted by all carriers during such year. On or before December 1 of each year, the Department of Airports shall remit to each air carrier the amount of the credit allowable to such carrier for the preceding fiscal year ending September 30th.

"(d) All military and public airplanes, and all other airplanes having estimated maximum A-weighted sound levels on landing, as published in Federal Aviation Administration Advisory Circular 36-3C or 36-2B, equal to or less than 83dBA, shall be exempt from the fees imposed by this rule for landings. All military and public airplanes, and all other airplanes having estimated maximum A-weighted sound levels on take-off, as published in Federal Aviation Administration Advisory Circular 36-3C or 36-2B, equal to or less than 73dBA, shall be exempt from the fees imposed by this rule for takeoffs. For purposes of these exceptions the term 'public airplane' shall mean an airplane used only in the service of a government or political subdivision, and shall not include any government-owned airplane engaged in carrying persons or property for commercial purposes."

Section 2. The Department of Airports shall revise the form used by air carriers to submit their Monthly Operational Data Reports, pursuant to PBIA leases or other agreements between air carriers and the County, so as to include the information necessary for the computation of the environmental operating fees payable under the terms of this Ordinance. Each air carrier shall provide such additional information as shall be required by the revised form, and shall pay the environmental operating fees on the same schedule as landing fees payable under the lease or other agreement. In order to promote efficient administration of the fees established

by this Ordinance, the Department of Airports is hereby authorized to require each air carrier to submit a list of all aircraft operated by it, containing such information as the Department deems necessary to administer the fee program. The fees payable by the operators of general aviation aircraft shall be logged and collected by and reported and remitted to the County by fixed-base operators, in the same manner as landing fees, except that such fixed-based operators shall remit ninety percent (90%) of the total environmental operating fees collected.

Section 3. From and after the effective date of this Ordinance, all persons operating aircraft at PBIA shall pay the fees provided by this Ordinance, unless in the case of a particular air carrier or other person operating aircraft at PBIA, such fees are contrary to an existing contract.

Section 4. All revenues produced by the fees provided by this Ordinance shall be segregated and set apart in a separate fund by the County. The revenues in such separate fund shall be earmarked for, and shall be used only for: first, the payment of credits as provided in subsection (c) of the Rule enacted by this Ordinance, and, second, expenses and capital expenditures incurred which, in the judgment of the Board of County Commissioners, are reasonably expected to contribute to the abatement or mitigation of aircraft noise at PBIA and in the surrounding communities.

Section 5. Not later than July 1, 1987, and each succeeding July 1 thereafter, the Department of Airports shall submit to the Board of County Commissioners a report stating the recommendations, if any, of the Department of Airports, for revising the operating fees enacted by this Ordinance to reflect changes in circumstances during the preceding year. The Department shall also notify the Board of County Commissioners of any publica-

tion of any updated version of Advisory Circular 36-3C or 36-2B, of any amendment to the definition of "Stage 1 airplane," "Stage 2 airplane," on "Stage 3 airplane," and of any amendment to the County's F.A.R. Part 150 Noise Mitigation Program, as soon as practicable after such publication or amendment.

Section 6. If any portion of this ordinance is adjudicated invalid for any reason, it is the intent of the Board of County Commissioners that the remaining portions of this Ordinance shall nevertheless be given effect.

Section 7. This Ordinance shall take effect on June 1, 1986.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 1st day of October, 1985

PALM BEACH COUNTY, FLORIDA, BY  
ITS BOARD OF COUNTY COMMISSIONERS

BY: John L. Adam  
Chairman

JOHN B. DUNKLE, CLERK  
Board of County Commissioners

By Kathryn Mazar Miller  
DEPUTY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY John L. Adam  
County Attorney

Acknowledgement by the Department of State of the State of Florida, on this, the 10th day of October, 1985.

Acknowledgement from the Department of State received on the 15th day of October, 1985, at 2:04PM., and filed in the office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

EFFECTIVE DATE: June 1, 1986